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HOUSE BILL 242

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Al Park

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO CRIMINAL LAW; CREATING A NEW CRIMINAL OFFENSE OF
OBSTRUCTION OF A STATE AUDIT; PRESCRIBING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 12-6-1 NMSA 1978 (being Laws 1969,
Chapter 68, Section 1) is amended to read:

"12-6-1. SHORT TITLE.--~~[Sections 4-31-1 through 4-31-17
NMSA 1953]~~ Chapter 12, Article 6 NMSA 1978 may be cited as the
"Audit Act"."

Section 2. A new section of the Audit Act is enacted to
read:

"[NEW MATERIAL] OBSTRUCTION OF A STATE AUDIT.--

A. Obstruction of a state audit consists of a
person:

- (1) making or causing to be made to the state

underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 auditor or the state auditor's designated agent a false,
2 misleading or unfounded report with the intent of deceiving or
3 misleading the state auditor or the state auditor's designated
4 agent in the performance of an audit, special audit,
5 examination or investigation being conducted pursuant to the
6 Audit Act; or

7 (2) intentionally hindering or obstructing the
8 state auditor or the state auditor's designated agent in the
9 performance of an audit, special audit, examination or
10 investigation being conducted pursuant to the Audit Act.

11 B. Whoever commits obstruction of a state audit is
12 guilty of a misdemeanor and upon conviction shall be sentenced
13 pursuant to the provisions of Section 31-19-1 NMSA 1978."

14 Section 3. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2010.